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THE CIRCUIT COURT OF COOSA COUNTY
STATE OF ALABAMA

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TIMOTHY CHARLES DAVIS,
PETITIONER,

VERSUS

CIVIL ACTION NO. CV-92-14

STATE OF ALABAMA,
RESPONDENT.

DEPOSITION OF SIDNEY F. BOUTWELL, SR.

Taken at the Offices of Monica Schroeder & Associates, 718 Delmas Avenue, Pascagoula, Mississippi, on Tuesday, August 29, 1995, beginning at 3:00 p.m.

APPEARANCES:

STEPHEN B. BRIGHT, ESQUIRE
Attorney at Law
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ATTORNEY FOR PETITIONER

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Montgomery, Alabama 36130
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REPORTED BY:

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1 MR. BRIGHT:

2 For the record, this is the deposition
3 pursuant to notice of Mr. Sidney Boutwell, Sr. And I
4 take it, Clay, since it's testimony, you want to do
5 it the same way as we did with Mr. Simms, and just
6 make any objections that we have, either of us.

7 MR. CRENSHAW:

8 That will be fine. And, Mr. Boutwell,
9 please, before you begin answering the question, if
10 you will just hesitate briefly. Because when both of
11 you are speaking at the same time, sometimes that
12 doesn't come across the speakerphone on my end. So,
13 if you will, just hesitate briefly before you answer
14 Mr. Bright's question. And also that will give me a
15 chance to make any objection, if I have one.

16 THE WITNESS:

17 Okay, sir.

18 MR. BRIGHT:

19 And, Mr. Boutwell, this is Clay Crenshaw.
20 He represents the State of Alabama. And if after I
21 ask a question, if he makes any objection, don't say
22 anything until he finishes. Okay?

23 THE WITNESS:

24 Okay.

25 MR. BRIGHT:

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Because we both have to say things, and, of course, Ms. Chapman, here, can only take down one of us at a time. Okay? And this is being taken in the case of Timothy Davis versus State for uses as testimony.

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SIDNEY F. BOUTWELL, SR.

having been first duly sworn, was examined
and testified as follows:

6/5/10
12/9/10

EXAMINATION

BY MR. BRIGHT:

Q. Mr. Boutwell, state your full name for
us.

A. Sidney F. Boutwell, Sr.

Q. And how old are you, if I may ask?

6
1930

A. I'm 65.

Q. Could you please tell us your address?

A. Post Office Box 8030, Moss Point,
Mississippi.

Q. How long have you lived in Moss Point,
Mississippi?

A. Oh, since 1952.

Q. And where were you employed during your
days as a working person?

A. International Paper Company.

Q. What did you do at International Paper
Company?

A. I was a laboratory technician.

Q. What did that involve doing?

A. That involved checking the type paper we
made, and whether it was good enough to sale, or what



1 have you.

2 Q. All right. And the company was a paper
3 company?

4 A. International Paper Company in Moss Point.

5 Q. How many years were you so employed?

6 A. Twenty-nine-and-a-half years, sir.

7 Q. Where were you employed in 1980?

8 A. International Paper Company. Oh, excuse
9 me. I was retired at that time.

10 Q. What year did you retire?

11 A. In 1975.

12 Q. Now, were you or are you active in any
13 church here in Moss Point?

14 A. Yes, sir.

15 Q. And what church is that?

16 A. Midway Baptist Church.

17 Q. How long were you active in the church?

18 A. Oh, approximately, 23 years.

19 Q. What positions did you hold in the church?

20 A. Well, I helped-- Beginning with, was a
21 song-- music director, youth director, training union
22 direction, Sunday school superintendent, and a
23 chairman of the deacons for a number of years.

24 Q. Did you ever know Timothy Davis?

25 A. Yes, sir.

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1 Q. Did you ever know his family?

2 A. Yes, sir.

3 Q. By that, are you talking about his father,
4 Charles and his mother, Erlene Davis?

5 A. Yes, sir.

6 Q. Tell us, if you would, Mr. Boutwell, how
7 you first came to know this family.

8 A. Well, they were fixing to build a bridge
9 over Escatawpa River, and he had the job with this
10 building company to come in and build a bridge, an
11 overhead bridge. And my sister and brother-in-law
12 was friends of theirs, and they brought them up here
13 to the job, and they brought them by to see me. So,
14 they stayed with me a couple of weeks, approximately,
15 two weeks.

16 Q. Now, when you say, "He was going to build
17 a bridge.", who are you referring to?

18 A. Hardway Construction Company. He was
19 superintendent over that.

20 Q. Who was?

21 A. Charles.

22 Q. All right. And by that, you mean, Charles
23 Davis.

24 A. Yes, sir. He and his wife, both, came up
25 and stayed with us until he got situated and got him

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1 a trailer up here.

2 Q. All right. And what was the name of your
3 sister and her husband?

4 A. Frank and Peggy Hembrey. They lived at
5 Tampa, Florida at that time.

6 Q. Did it indeed come to pass that the Davis
7 family moved from Tampa to Moss Point?

8 A. I beg your pardon?

9 Q. Did it eventually happen that they did
10 move here?

11 A. They moved there, approximately, about two
12 weeks after they came up to visit me. Yes, sir. On
13 the job.

14 Q. What was Charles Davis involved in doing
15 here?

16 A. Well, he was the superintendent over
17 building that bridge in that company.

18 Q. And do you recall about how long it took
19 to build the bridge?

20 A. No, sir. I wouldn't say. He was here, I
21 imagine, a couple of years, somewhere around that.

22 Q. How often would you see the family after
23 they moved to Moss Point? And speak up good and loud
24 so we can hear you.

25 A. I guess it was just about every day, every

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1 other day. It was several times through the week.

2 Q. All right. And what would be the
3 occasions when you would see the family?

4 A. Well, we would have lunch together, make
5 ice cream together, and fellowship together, and go
6 to church together, and what have you.

7 Q. Tell us a little bit about the church.
8 How large a church was it in terms of the number of
9 members it had or the number of families that
10 participated, whatever is easiest?

11 A. Well, we had-- I think, it was,
12 approximately, about 130 membership at that time.

13 Q. And what kind of activities did the church
14 have?

15 A. Oh, we had RA's for the boys. We'd camp
16 with them.

17 Q. What did that stand for?

18 A. RA's?

19 Q. Yes.

20 A. Royal Ambassadors.

21 Q. Okay. Tell us what that was about.

22 A. Well, it'd just take the boys from seven
23 years to 17. I would take them on camping trips, and
24 swimming, and played baseball with them, volleyball,
25 and what have you..

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1 Q. Now, would Tim Davis be one of the
2 children who would be involved in those activities?

3 A. Right in the middle of it. Yes, sir.

4 Q. When you did it.

5 A. Yes, sir.

6 Q. Okay. Go ahead. What other activities in
7 the church?

8 A. Well, I had a youth program for them, and
9 we studied the Bible. Well, anything-- you know, it
10 carried on the youth. And we would have a clean-up
11 day at the church about every once a month, and he'd
12 be right there with me, he and my two sons.

13 Q. Now, I was just going to ask you that. Do
14 you have any children, yourself?

15 A. Yes, sir.

16 Q. How many?

17 A. I have three. Two living.

18 Q. What were their ages in relation to
19 Timothy Davis's age?

20 A. I had one, my baby son, Billy, was the
21 same age of Timothy. And my other one was about
22 seven years older. He was the older child.

23 Q. All right. And were Billy and Tim
24 friends?

25 A. Yes, sir. Great friends. I mean, they

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1 was just like brothers. They just stayed together
2 nearly all the time.

3 Q. All right. Would they be at your house a
4 lot?

5 A. Yes, sir. About 80 percent of the time.

6 Q. Did you have any problem with that?

7 A. Not a bit so ever. He was just like one
8 of my own children whenever he was there.

9 Q. Now, how would-- During this two year
10 period that you described the Davises living there,
11 how would you describe Timothy Davis?

12 A. Well, I would describe him as a young,
13 Christian boy. He got saved in our church or he give
14 a testimony that he was saved. And it wasn't but a
15 few weeks before they left-- I say, a few weeks. It
16 wasn't but about three months before they left until
17 he got up and testified and said he was called to
18 preach. And we-- I let him help us in our youth
19 programs and everything. I mean, he was--
20 participated in everything.

21 Q. Did you ever have any trouble with him?

22 A. None whatsoever.

23 Q. Either at the church or in having him and
24 your son together at your home?

25 A. None whatsoever that I know of.

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1 Q. Did he ever help you on any of the outings
2 and things that you went on with the Royal
3 Ambassadors?

4 A. Yes, sir.

5 Q. In what way?

6 A. Well, they would build camp fires, and
7 learn how to tie knots, and just anything like a boy
8 scout or what you'd called a youth program. It was a
9 Royal Ambassadors. We taught them how to treat one
10 another, and how to play and get along, and that was
11 just about it.

12 Q. Did you know his brother and sister, as
13 well?

14 A. Yes, sir.

15 Q. Did you know his parents?

16 A. Yes, sir.

17 Q. Who was the most active in the church, if
18 either one?

19 A. Well, his mother was because his daddy
20 worked most of the time.

21 Q. Who would he usually come to church with?

22 A. Well, he generally-- most of the time, he
23 would come with me.

24 Q. I see. Okay. And how often was church
25 open?

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1 A. Well, it was every Sunday, and on
2 Wednesdays and Saturday afternoons.

3 Q. Did you ever-- Up until 1980, did you
4 ever-- Were you ever interviewed by the lawyers who
5 represented Tim in the charges against him in
6 Alabama?

7 A. No, sir. Not whatsoever.

8 Q. Did you become aware of the fact that
9 there were charges against him?

10 A. Yes, sir.

11 Q. Did you know what he was charged with
12 doing?

13 A. Well, nothing but what I heard.

14 Q. But, I mean, you heard the nature of the
15 charge.

16 A. Yes, sir.

17 Q. Where were you at the time of his trial in
18 1980?

19 A. Well, they-- His mother, I believe it was
20 his mother that called and wanted to know if we could
21 come up as a character witness. And I went to the
22 little town. I believe it was Oxford-- No.

23 Q. Would it be Rockford?

24 A. Rockford. Rockford, Alabama. And we
25 stayed two days up there, me and my wife did.

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1 Q. And your wife's name is--

2 A. Lois.

3 Q. And did she know Mr. Davis, as well, from
4 the experience you've related?

5 A. Yes, sir.

6 Q. Was she active in the church?

7 A. Yes, sir.

8 Q. And she was at your home when he and your
9 son, Billy, were there.

10 A. Yes, sir.

11 Q. And the two of you were there for two
12 days.

13 A. Yes, sir.

14 Q. Now, during the time you were there, did
15 you ever speak to a lawyer?

16 A. No, sir.

17 Q. Do you know whether you remembered more
18 about Tim Davis back then in 1980 than you do today
19 in 1995?

20 A. I don't know how to answer that.

21 Q. I'm sorry. It's not a very good
22 question. Let me rephrase it.

23 How would you judge your memory, in terms
24 of whether your memory was better in 1980 of the two
25 years that Tim Davis lived here with you, than it is

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1 now?

2 A. I don't think I've lost any of my memory.
3 I know I'm much older, but I don't think I've lost
4 any of my memory.

5 Q. You still remember him pretty well?

6 A. Yes, sir.

7 Q. Now, if you had been asked in 1980 to
8 testify either in front of the jury or in front of
9 the judge, would you have been willing to do so?

10 A. Yes, sir. I went up there willing to see
11 about it, to help him.

12 Q. Would you have answered these same
13 questions that I've just asked you?

14 A. I certainly would, sir.

15 Q. Did you have a feeling, based on your
16 knowledge of this young man and the experiences that
17 you had had with him here in Moss Point, about
18 whether he should be given the death penalty or not?

19 A. Well, he's never been into anything as I
20 know of, and him still a minor, I don't see how he
21 could get a punishment of that. I mean, I wouldn't
22 feel like that that would be a-- should get that kind
23 of punishment.

24 Q. As far as you knew, had he ever been in
25 any kind of trouble here in Moss Point?

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1 A. Not whatsoever.

2 MR. CRENSHAW:

3 Object. That's beyond the scope of this
4 witness's knowledge.

5 MR. BRIGHT:

6 Q. Well, in your knowledge.

7 A. Of my knowledge, that's right.

8 MR. BRIGHT:

9 All right. That's all I have.

10 EXAMINATION

11 BY MR. CRENSHAW:

12 Q. Okay. Mr. Boutwell, I have a few
13 questions.

14 A. Yes, sir.

15 Q. What time period did you know Tim? By
16 "time period", I mean, what were the years.

17 A. I'm not sure exactly what year. I think
18 it was in '80 to about '82 or '83, or somewhere along
19 that. I'm not positive of the dates, sir.

20 Q. All right. Mr. Boutwell, could it have
21 been more like 1977 and 1978?

22 A. Somewhere around that. I'm not sure about
23 the years, sir.

24 Q. Mr. Boutwell, will it help you to know
25 that the crime was committed in '78, and that the

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1 trial occurred in the summer of 1980? Would that
2 help you place the time a little bit better?

3 A. That's right, sir.

4 Q. So, would that help you place the time of
5 when you knew Tim?

6 A. Well, I can't recall exactly how long he
7 was gone whenever I got word that he was in trouble.

8 Q. How were you notified that he was in
9 trouble?

10 A. His mother.

11 Q. Did she call you?

12 A. Yes, sir. Called my family, yes, sir.

13 Q. Again, back to when you knew him, could it
14 have been-- Could the time period have been more than
15 a year from when you knew him from when you heard
16 about that he was charged with a crime?

17 A. Well, I didn't hear about it until just
18 before the trial, sir. And I didn't know exactly
19 what time it happened.

20 Q. Okay. So, could that have been a period
21 of three or four years there where, you know, you
22 heard about the charges from when Tim had left Moss
23 Point?

24 A. Yes, sir.

25 Q. So, you-- Is it accurate to say that you

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1 had not had any contact with him during that three or
2 four year period?

3 A. Not with him. No, sir. I had-- You know,
4 I heard from the family. They came by to visit
5 several times.

6 Q. Well, did he visit with you?

7 A. No, sir. I think he was at work, if I
8 understood right.

9 Q. Okay. And by "he", I mean, Tim Davis.

10 A. Yes, sir.

11 Q. And is your answer the same to that?

12 A. Right.

13 Q. All right. You had pretty extensive
14 contact with Tim when he lived in Moss Point, didn't
15 you?

16 A. I'm sorry. I didn't understand you.

17 Q. You testified that you had pretty
18 extensive contact--

19 A. Right, sir.

20 Q. Were the circumstances of you seeing Tim
21 mostly that Tim would be visiting your son; is that
22 correct?

23 A. That's correct, sir.

24 Q. So, is it accurate to say that you would
25 be there, you know, with your son and Tim, you know,

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1 while they were involved in their activities; would
2 that be accurate?

3 A. Yes, sir. And we only lived about a
4 quarter of a mile from one another. They would walk
5 back and forth from the houses.

6 Q. All right. Back to the length of time
7 that went by, you know, when you didn't see Tim,
8 would you agree that people are capable of changing?

9 A. Well, anybody can change, sir.

10 Q. Okay. How were you contacted about
11 testifying in this case? By "this case", I mean, you
12 know, at this stage of the proceedings with Mr.
13 Davis's present counsel.

14 A. What's that lady's name, Ms. Hewing?

15 Q. Ms. Norvey?

16 MR. BRIGHT:

17 I think you may-- Let me refresh your
18 memory, Ms. Ewing.

19 THE WITNESS:

20 Yes. Ms. Ewing.

21 MR. BRIGHT:

22 She was an investigator, Clay.

23 MR. CRENSHAW:

24 Q. Okay. Who is that, Mr. Boutwell?

25 A. Who is she?

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1 Q. Yes, sir.

2 A. I don't know. It was some lady attorney,
3 or something, that came down and investigated and
4 talked with me about it.

5 Q. Do you know how she got your name?

6 A. Not unless she got it through the Davis
7 family.

8 Q. Okay. So, would that have been the way
9 that she was able to contact you?

10 A. I guess so, sir.

11 Q. How many times have you spoken with Tim's
12 present lawyers?

13 A. I have never.

14 Q. So, you have only met with Tim's present
15 lawyers today; is that true?

16 A. Yes, sir. I guess if he's his lawyer,
17 he's the only one I met with. And that's Mr. Bright,
18 here.

19 Q. Yes, sir. Did you talk to Mr. Bright
20 before this deposition started?

21 A. Yes, sir.

22 Q. When did you meet with him?

23 A. What day was it last week? I forget, now,
24 what day it was.

25 MR. BRIGHT:

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1 Well, just give him your best memory.

2 A. It was one day last week, sir.

3 MR. CRENSHAW:

4 Q. All right. Did Mr. Bright come down there
5 and talk to you?

6 A. Yes, sir.

7 Q. How long was that meeting?

8 A. Oh, just a few moments.

9 Q. And did he talk to you at all before this
10 deposition started?

11 A. Yes, sir. He told me we-- If it would be
12 all right, we would meet and have it. I told him I
13 couldn't come up, I was disabled to make the trip.

14 Q. Okay. And you are talking about making
15 the trip to Ashland, Alabama at the evidentiary
16 hearing.

17 A. Yes, sir.

18 Q. Has any-- Well, has Mr. Bright told you
19 that your testimony could possibly be helpful to Tim?

20 A. Yes, sir.

21 Q. Mr. Boutwell, do you believe that Tim
22 murdered Mrs. Alford?

23 A. I can't believe he did, sir.

24 Q. All right. Mr. Boutwell, I just want to
25 tell you, the jury convicted Tim of a horrible

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1 crime. It was-- He stabbed Mrs. Alford 18 times,
2 robbed her, murdered her, and sodomized her. Do you
3 recall the jury convicting him of that crime?

4 A. I heard that, sir.

5 Q. Assuming that the jury was correct, is the
6 Tim Davis they convicted different from the Tim Davis
7 that you knew?

8 A. I can't see it. No, sir. I can't see
9 that was the same one I knew.

10 Q. Okay. So, if Tim did this crime, that
11 would be a different Tim Davis that you knew?

12 A. Yes, sir.

13 Q. In all of those times that you knew Tim,
14 did you ever see him lose his temper?

15 A. Not whatsoever.

16 Q. Did you ever see him become violent to any
17 person?

18 A. No, sir.

19 Q. So, then, since you didn't see that, you
20 don't know how Tim might have acted when he lost his
21 temper; is that correct?

22 A. That's right, sir.

23 Q. Since you didn't see that, you wouldn't
24 know how Tim acted when he became violent, either,
25 would you?

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1 A. No, sir.

2 Q. Mr. Boutwell, just think back on all of
3 the people that you have known. Have they ever acted
4 in a way that was inconsistent with the way that you
5 knew them?

6 MR. BRIGHT:

7 Clay, I think I'll interpose an objection
8 there. Just as, that question is a tad bit broad
9 there to think of all the people you've ever known
10 and whether they've acted in a way inconsistent with
11 what you knew them.

12 MR. CRENSHAW:

13 Q. Okay. Mr. Boutwell, you can answer, if
14 you have an answer.

15 A. I don't believe I have an answer to that,
16 sir.

17 Q. All right. Well, have you ever been
18 surprised by the way somebody acted?

19 A. Oh, yes, sir.

20 Q. Do you still have any contact with Tim?

21 A. No, sir.

22 Q. Mr. Boutwell, you're offering this
23 testimony because you like Tim and you would like to
24 help him.

25 A. Yes, sir. That's right.

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1 Q. Mr. Boutwell, how far did you have to
2 drive to wherever you are located now?

3 A. My-- Well, my wife drove me about three
4 miles.

5 Q. All right. So, you had to drive three
6 miles to this deposition; is that correct?

7 A. Yes, sir.

8 Q. And, Mr. Boutwell, are you aware there is
9 going to be an evidentiary hearing held in Ashland,
10 Alabama, on Friday, September the 1st, 1995?

11 A. That is what Mr. Bright was telling me,
12 sir.

13 Q. And, Stephen, I guess you can disagree
14 with this if you want to, but, Mr. Boutwell, I'll
15 tell you that's probably a four-hour drive from where
16 you are. Would that drive be inconvenient to you?

17 A. Yes, sir, it is.

18 Q. So, it's a lot easier just to drive three
19 miles than it would be to drive four hours, wouldn't
20 it?

21 A. Well, I'm physically not able, sir.

22 Q. So, you would physically be unable to
23 drive to the evidentiary hearing.

24 A. Right, sir.

25 Q. Mr. Boutwell, did you ever talk to Tim's

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1 lawyers at trial?

2 A. No, sir.

3 Q. Did you ever seek them out and tell them
4 that you could testify to Tim's character?

5 A. No, sir.

6 Q. I didn't here that last answer.

7 A. No, sir, I hadn't.

8 Q. Do you know what age Tim was when he left
9 Moss Point?

10 A. I believe he was around-- between 12 and
11 14, somewhere along that.

12 Q. Okay.

13 MR. CRENSHAW:

14 Just one minute, Steve.

15 MR. BRIGHT:

16 Sure. Just take your time.

17 MR. CRENSHAW:

18 Q. Just one question, Mr. Boutwell. Do you
19 oppose capital punishment?

20 A. I'm sorry. I didn't understand you.

21 Q. Do you oppose the State of Alabama using
22 capital punishment?

23 A. No, sir.

24 Q. One more question. I think you said you
25 were active in your church for 23 years; is that

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1 right?

2 A. Yes, sir.

3 Q. I assume that you are still active in your
4 church, aren't you?

5 A. Not as much as I have been.

6 Q. Okay. But you still attend church?

7 A. Yes, sir.

8 MR. CRENSHAW:

9 All right. I don't have any more
10 questions.

11 EXAMINATION

12 BY MR. BRIGHT:

13 Just three quick questions.

14 Q. In 1980, Mr. Boutwell, were you able to
15 drive to Rockford, Alabama?

16 A. No, sir.

17 Q. In 1980. At the time you and your wife
18 went up there.

19 A. Well, I drove part of the way, and she
20 drove part of the way. I couldn't handle it all the
21 way.

22 Q. All right. But you did make it up there
23 in 1980.

24 A. I made it up there. Yes, sir.

25 Q. And you were there for how long?

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1 A. Right at three days. Two-and-a-half days
2 is better.

3 Q. And if somebody had asked you to testify
4 at that time when you were there, you could have done
5 that?

6 A. That's what I went for, sir.

7 Q. And if you had been asked to come back
8 later in that same year, 1980, you and your wife, and
9 testify before the judge at the sentencing, would you
10 have done that?

11 A. Yes, sir.

12 Q. Was the young man who was on trial there,
13 Tim Davis, was that the same young man you knew here
14 in Moss Point, Mississippi?

15 A. Well, I didn't get to see him, but I
16 assume it was because his mother was there, and his
17 father was there.

18 Q. And that is why you were there.

19 A. That's why I was there. Yes, sir.

20 Q. For Erlene Davis's son.

21 A. Right.

22 Q. And nobody ever introduced you to the
23 lawyers, and they never introduced themselves to
24 you.

25 A. Right. I was closed up, locked up in a

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1 little room about the size of this, it was about a 12
2 by 12, until we got ready to leave.

3 MR. BRIGHT:

4 That's all I have. Thank you, Clay.

5 MR. CRENSHAW:

6 Wait. Hold on.

7 MR. BRIGHT:

8 Oh, okay. Go ahead.

9 EXAMINATION

10 BY MR. CRENSHAW:

11 Q. Mr. Boutwell, I guess maybe Mr. Bright
12 misunderstood the line of my questions. What I was
13 trying to ask was, the jury that convicted Tim Davis,
14 you know, that Tim Davis that acted in that way, his
15 conduct would have been inconsistent from the way
16 that you knew him; is that not correct?

17 A. Yes, sir.

18 Q. How old were you in 1980, Mr. Boutwell?

19 A. Well, I'm 65. You'll just have to figure
20 back.

21 Q. If I'm subtracting right, that would be--
22 you would be 50 in 1980.

23 A. Right, sir.

24 Q. Are you disabled, Mr. Boutwell, presently?

25 A. Yes, sir.

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1 Q. What is your disability?

2 A. Well, I have had my fifth heart attack and
3 a light stroke, sir. And I have seizures.

4 Q. All right. Can you drive?

5 A. I can drive, but I'm not supposed to get
6 out on the roads by myself, sir.

7 Q. But your wife can drive; is that not true?

8 A. Yes, sir.

9 Q. And she has no disability.

10 A. Right.

11 Q. All right. Mr. Boutwell, did you-- Maybe
12 I misunderstood some things. Did you actually watch
13 the trial?

14 A. No, sir. I wasn't even allowed in the
15 courtroom at all.

16 Q. Where were you during the trial?

17 A. They had us in a little room as character
18 witnesses. We couldn't hear any of it.

19 Q. Who had you in a room as a character
20 witness?

21 A. Well, I don't know who they were. Whoever
22 was over the court, I guess, sir.

23 Q. So, you never actually heard the
24 evidence.

25 A. No, sir.

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1 Q. All right. Now, when you say, "character
2 witness", does that mean that a lawyer had labeled
3 you as a character witness?

4 A. What was that, now, sir?

5 Q. Well, just tell me the reason that you say
6 you're a character witness.

7 A. Well, they told me they wanted me to come
8 up and tell what I knew about him. That they thought
9 it would be good if I'd come up and describe what he
10 was and how he was during the time I knew him, as I
11 am today.

12 Q. All right. Who is they?

13 A. Well, the Davis family was the one that
14 asked me to come up. So, undoubtedly, their attorney
15 must've asked them to call me.

16 Q. Okay. Did you attempt to walk into the
17 courtroom and view the trial?

18 A. Well, we all was in the courtroom when it
19 started, and they asked for all the witnesses to go
20 with them, and that was the only time I was in there.

21 Q. So, in other words, the lawyers were
22 considering calling you as some kind of character
23 witness then.

24 A. I feel sure they were, sir.

25 Q. Did they talk to you at all?

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1 A. No, sir.

2 Q. And did you seek them out to talk to them?

3 A. No, sir.

4 Q. And we're talking about during the actual
5 trial; is that correct?

6 A. Right. That's right, sir.

7 Q. All right. Were you aware of a sentencing
8 hearing that was held at a later time, Mr. Boutwell?

9 A. Are you talking about what they sentenced
10 him to?

11 Q. Well, sir, I don't know a time frame, but
12 I think it was a couple of months later, were you
13 notified of a sentencing hearing just before the
14 judge without the jury?

15 A. No, sir.

16 Q. And nobody called you to testify at the
17 sentence hearing?

18 A. No, sir.

19 MR. CRENSHAW:

20 Steve, I don't have any more questions.

21 MR. BRIGHT:

22 All right. That's all that I have. Thank
23 you.

24 (Deposition concluded.)

25

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CERTIFICATE OF COURT REPORTER

1
2 I, APRIL CHAPMAN, Court Reporter and Notary
3 Public, in and for the County of Jackson, State of
4 Mississippi, hereby certify that the foregoing pages,
5 and including this page, contain a true and correct
6 transcript of the testimony of the witness, as taken
7 by me at the time and place heretofore stated, and
8 later reduced to typewritten form by computer-aided
9 transcription under my supervision, to the best of my
10 skill and ability.

11 I further certify that I placed the witness
12 under oath to truthfully answer all questions in this
13 matter under the authority vested in me by the State
14 of Mississippi.

15 I further certify that I am not in the employ
16 of, or related to, any counsel or party in this
17 matter, and have no interest, monetary or otherwise,
18 in the final outcome of the proceedings.

19 Witness my signature and seal, this the 6th
20 day of September, 1995.

21

22

23

24

25

April N. Chapman
April Chapman, Court Reporter
My Commission Expires May 1, 1999

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